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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :Kenji KIMURA et al.

Group Art Unit: AU 1745

Appl. No. : 09/926,287

Examiner: Mark Ruthkosky

Filed : October 9, 2001

For :NONAQUEOUS ELECTROLYTE RECHARGEABLE BATTERY

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JUL 23 2003  
GROUP 1700  
#9/C  
9.24.03

**SUBSTITUTE AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir :

Responsive to the Notice of Non-Compliant Amendment mailed July 16, 2003, please enter this Substitute Amendment Response. Reconsideration and withdrawal of the rejections made in the Office Action of March 21, 2003 are respectfully requested, in view of the following amendments and remarks. Inasmuch as the three-month shortened statutory period is originally set in the Office Action to expire on June 23, 2003 (June 21, 2003 falling on a Saturday), and the previous Response was filed, on June 20, 2003, which was within the three-month shortened statutory period, no extension of time was needed. This Substitute Response is filed within the one month of the Notice of Non-Compliant Amendment and therefore, no extension of time is needed. However, if an extension of time is deemed necessary, the same is hereby requested and the Commissioner is hereby

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authorized to charge the same or any fees necessary to preserve the pendency of this application to deposit account No. 19-0089.